



Atty. Dkt. No. 07194315

1743  
RECEIVED  
OCT 24 2003  
TC 1700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth F. Buechler

Title: DIAGNOSTIC DEVICES AND  
APPARATUS FOR THE  
CONTROLLED MOVEMENT OF  
REAGENTS WITHOUT  
MEMBRANES

Appl. No.: 09/982,629

Filing Date: 10/18/2001

Examiner: Alexander

Art Unit: 1743

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p><u>Germaine Sarda</u> (Printed Name)</p> <p><u>Germaine Sarda</u> (Signature)</p> <p><u>October 17, 2003</u> (Date of Deposit)</p>
--

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing with three United States patents which we are disclosing in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

Also listed on the PTO/SB/08 are twelve foreign and nine non-patent references. Please note that these references were previously listed in an information disclosure statement submitted to the US PTO on January 31, 2002. The Examiner has indicated, however, that copies of the references were not provided and therefore we are re-submitting these references and providing copies of these foreign patents and non-patent references.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.113, or an action that otherwise closes prosecution in the application.

### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English or have an English translation attached.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

### **FEE**

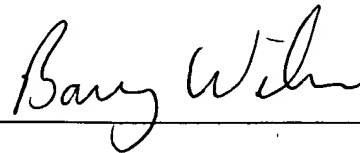
A fee in connection with submission of a supplemental information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date October 17, 2003

By



FOLEY & LARDNER

Customer Number: 23620

Telephone: (858) 847-6722

Facsimile: (858) 792-6773

Barry S. Wilson

Attorney for Applicant

Registration No. 39,431

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b> Application Number: 09/982,629 Filing Date: 10/18/2001 First Named Inventor: Kenneth F. Buechler Group Art Unit: 1743 Examiner Name: Alexander Attorney Docket Number: 071949-1315	
Sheet	1	of	2

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	3,966,897		Renn et al.	06-29-1976	
	A2	5,512,659		Ullman et al.	04-30-1996	
	A3	5,922,615		Nowakowski et al.	07-13-1999	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A4	EPO	0 212 314 B1		Biotrack, Inc.			
	A5	EPO	0 348 006 B2		Behring Diagnostics, Inc.			
	A6	EPO	0 418 765 A2		Becton Dickinson and Company			
	A7	EPO	0 695 941 B1		Affymetrix, Inc.			
	A8	WO	94/09366		Abbott Laboratories			
	A9	WO	97/00442		The University of Washington			
	A10	WO	97/02357		Affymetrix, Inc.			
	A11	JP	3-223674		Mochida Pharm. Co. Ltd.			
	A12	JP	1-203038		Abbott Laboratories			
	A13	JP	57-113364		Tsunemitsu Corp.			
	A14	JP	57-156028		Eastman Kodak Company			
	A15	JP	62-129759		Biotrack Inc.			

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A16	Cambridge Dictionary of Science and Technology, Peter M.B. Walker general editor, 1988 (reprinted 1990), p. 131.	
	A17	Dill, "Dominant Forces in Protein Folding." 1990, Biochemistry, 29:7133-7155.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	09/982,629
		Filing Date	10/18/2001
		First Named Inventor	Kenneth F. Buechler
		Group Art Unit	1743
		Examiner Name	Alexander
Sheet 2 of 2	Attorney Docket Number	071949-1315	

**RECEIVED**  
OCT 24 2003  
TC 1700

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A18	Frens, "Controlled nucleation of the regulation of the particle size in monodisperse gold suspensions." 1973, Nature Physical Science, 241:20-22.	
	A19	Laibinis et al., "w-Terminated Alkanethiolate monolayers on surfaces of copper, silver and gold have similar wettabilities." 1992, J.Am.Chem. Soc., 114:1990-1995.	
	A20	Lou et al., "One-step competitive immunochromatographic assay for semiquantative determination of lipoprotein(a) in plasma." 1993, Clinical Chemistry, 39:619-624.	
	A21	Myers, "Surfaces, Interfaces and colloids: Principles and applications." ©1991, 92-100.	
	A22	Phadke, "Biosensors and enzyme immobilized electrodes." 1992, BioSystems, 27:203-206.	
	A23	Rogers et al., "Biosensors for environmental monitoring." 1992, Biosensors & Bioelectronics, 7:317-321.	
	A24	Ross et al., "Thermodynamics of protein association reactions: Forces contributing to stability." 1981, Biochemistry, 20:3096-3102.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.